

Brandon Lisi
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Metropolitan Detention Center
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Brooklyn, New York 11232

February 20, 2020

Honorable Katherine Polk Failla
United States District Court Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: United States v. Lisi
Criminal Case Docket No. 1:15-cr-00457(KPF)
(Related Docket Entry No. 200)

Dear Judge Failla:

As the Court is aware, I am a Defendant appearing pro se in the above-referenced case. The purpose of this letter is to not only advise the Court of some additional information regarding my mother, which I was just made aware of earlier today, but is also to point out a few additional reasons that favor the granting of my request to file a Reply to the Government's Opposition to the Motion for Compassionate Release

that I have pending before the Court. In addition, and as an initial matter, I, respectfully, object to the Government's late filing of its opposition papers.

It is my understanding that the Government was ordered, by Your Honor, to respond to the Motion For Compassionate Release by "no later than February 17, 2020." I am told that Your Honor issued this Endorsed Order (Docket Entry No. 203) on January 2, 2020. Despite this fact, and despite the fact that I am unaware of any request for an adjournment or extension being made and/or filed with this Court, and/or requested of me (for my consent), the Government has appeared to have simply made up its own deadline. Respectfully, Your Honor, had I done the same and if the proverbial shoe was on the other foot, the Government would be screaming from the roof tops, demanding that my papers not be considered at all. Accordingly, I respectfully request that the Government's Opposition be rejected by the Court based on not only the late filing of same, but also based upon the Government's blatant failure to request an extension prior to this past weekend, and as such it is further respectfully requested that the Court disregard the Government's Opposition.

This request is also being made in light of (all) the simply nasty, false, and sickening statements contained in the Government's vile Opposition, especially with regard to my mother and the true extent and gravity of her present health and related circumstances which worsen by the day. Simply put, it is hard to imagine the degree of heartlessness required for an individual, including an AUSA, to spew such venom filled remarks, the likes of which are not only beneath the dignity of the Court, but are beyond the bounds of human decency. It is one thing to pick on me, doubt me, or even break a promise to me, but it is simply disgusting for the Government (the alleged "good guys"), to doubt my own mother's words, that she dictated to a friend, in her letter(s) to Your Honor (Docket Entry Nos 197, and 203), while confined to the very same bed that she has remained in since I had to leave her to surrender to prison on June 18, 2014. She lays paralyzed from the neck down, with the exception of her right arm, defenseless, helpless, cries for help ignored, starving on any given day, while pleading for mercy and to be simply changed from her soiled diapers, without heat, in foreclosure of her life savings having been stolen by some of the very people the Government protects and grants victim status to (in one case),
From prosecution

and the Government dares to even attempt to challenge the heartbreaking and simply tragic avoidable situation that my mother, Charlotte Lisi, is in. Instead of following the policies and practices of the prosecutors' creed, however, when it comes to my mother, Charlotte Lisi, it seems as though the Government's Attorneys in this case feel as though my mother deserves to continue to endure the torture she has (since my surrender to prison), perhaps for the simple reason that she gave birth to me. From what I have read tonight, the Government appears to be advocating for what amounts to a death sentence (the status quo) for my mother having given birth to a person (me), who, according to the Government is hard to imagine a less appropriate candidate for the relief of compassionate release, despite the terrorists, murderers, child murderers, child molesters, rapists, sex offenders, dirty cops, dirty Judges, crooked politicians, arsonists, gang bangers, Drug Lords, and the like, a sampling of which I have been housed with over the years, who have all been prosecuted by the Southern District of New York, and AUSA Peilly herself (in a few particular cases). So, the hatred displayed by the Government for me is obvious, but not one person that I have shown this matter to can understand the sheer

lack of humanity and compassion on the part of the Government towards my mother, Charlotte Lisi.

With that said Your Honor, herein lies a problem. I had intended on keeping this letter short and to the point, but my emotions and indeed human nature, pulls me to ~~a~~ abandon lawyerlike protocol and instead to write to you from my heart. This is because we are talking about my mother, an innocent, helpless, but amazing and beautiful person, whose only viable caregiver and sworn protector and provider is sitting in a prison cell battling Goliath (the Government) with less than a sling shot (a broken blue pen and some tattered paper), while at the same time trying to help save her before it is too late. So, the reality is that after coming off of yet another lockdown, late this afternoon, I was just now able to see the Government's Opposition (5:05 p.m. on Thursday, February 20, 2020), only because of a friend and Trulincs (BOPEmail), since, to date my mail is still being tampered with, and I have not received the Government's Opposition in the mail. Instead, I had to rely on anyone who was willing to download it from PACER/ECF in the free world and Trulincs it here. The point being that, as I

have relied on the kindness of others to help me with this case (a point I have previously brought to this Court's attention, since I can not afford an attorney and given that my requests for same were denied) in the past, I continue to do so, especially given the emotional factors present in the current subject matter and issue, as well as my circumstances here at MDC-Brooklyn. As a result of me having to rely on others for help, especially on account of my mail being tampered with, I can not always know, for sure, what changes, edits, and/or additions have been left out and/or made with filings that do not come to the Court, directly from me here at MDC-Brooklyn. For example, Steven Haftner, Esq., (who was only trying to help), mislabeled Docket Entry No. 214; so I had to send the Court another copy of my January 20, 2020 letter, which I hope that the Court has received, which is in Support of my Motion for Compassionate Release (Docket No. 200) and not in reference to Docket No. 205 (my Motion for Bail Pending Appeal). Likewise, I have no idea what pictures, if any, of my mother and her home made it to the Court, what the entire contents of my mother's letter(s) say, and whether the friend who helped mom get everything to the Court included his letter to the Court as well. I do not have my own access to PACER/ECF,

and can only attempt to figure out what has been filed, if someone like Mr. Haffner or Mr. Palmieri are kind enough and have time to Trulines me a copy of the PACER/ECF Docket Sheet. So, certain letters of mine like Docket No. 211 get filed without my name at the top of the document, because they have been Trulined to a person willing to help, and are then reformatted and printed, and then sent to the Court, given again, the fact that my mail is being tampered with. In certain instances, not only are the submissions not properly edited by people who are kind enough to help, they are drafted by friends and even a former attorney who has seen the downward trajectory that my mother and I have been on since my surrender to prison, because I am either on lockdown, in too much emotional or physical distress to draft, or because I tend to ramble on when the Government makes needless attacks on my mother (as is the case with this letter). So, in an effort to help my mother and I, and out of complete compassion and kindness, certain submissions get filed without me seeing the final draft (and in some cases, any draft), especially given the time sensitive nature of this motion and my mother's health and circumstances along with the situation here at MDC (lockdowns, no real law library - just a few computers for outdated research, no

typewriters - only Trulincs, no paper, no toner, no reliable copy machine, my mail being tampered with, no access to PACER/ECF, no access to updated cases, little money (for pens, paper, stamps, envelopes, etc.), and no access to the bulk of my legal materials, etc.), some submissions may not get to the Court and others may arrive at the Court without being properly edited and/or containing additional arguments that people trying to help thought best to add, no matter how against or opposed to the arguments that I would have been (and am) had I known of their existence in the papers prior to same being filed with the Court. This is why I wanted to appear before Your Honor, and this is why I have been constantly alerting this Court to my circumstances here. That said, I can state to Your Honor that my letters dated January 11, 2020, January 20, 2020, and my Exhibits, and letter dated February 13, 2020 (all of which I have received a copy of), as well as this letter are edited and/or drafted by me and contain what I want them to say. Likewise, I believe that my Declaration (although sent to a person via Trulincs) (Docket No. 206), and Mr. Palmieri's attachments (my mother's Medical Records) to his letter to this Court are also reflective of what I drafted and/or requested. As to some of the quotes that the Government cites to, have a feeling that same were added by people trying

to do what they thought best to help me, prior to them mailing same for me to the Court. While I do not necessarily disagree with some of the points that seem to have been added, I do wish for Your Honor to know that my original and current focus was and is on my mother. So, anything that was argued above and beyond that (her), should not be construed by this Court as me trying to negate what I am responsible for. I accepted responsibility and to this day continue to do so, despite what the Government argues and what it seems that others may have mistakenly given the wrong impression about. My point being that, I have served more than Judge Buchwald's sentence since with Halfway House/Home Confinement under the Second Chance Act, and the additional Good Time Credit under the First Step Act, I would have been on Home Confinement by the end of 2018. When one adds the 18 months of strict home confinement I already served (without a continuation of or conclusion of a bail modification hearing), I have served approximately **34** months of Your Honors sentence in an FCI (FCF Ft. Dix), when I was never supposed to see a security level higher than a CAMP (minimum custody) no less ~~than~~ like of a Maximum Security MDX where I have remained for over 7 months, let alone a U.S. Penitentiary SHU for nearly 60 days. Therefore, if

anything that was submitted by people trying to help, remotely indicates that I have allegedly, in any way, not accepted responsibility or learned a valuable lesson, please forgive the misunderstanding, since nothing could be further from the truth, no matter what the Government says. A prime example of me having a new found appreciation for everything that has transpired, is simply the day to day existence that I endure, while trying to help my mothers Case in point, Tuesday evening (February 18, 2020 at 5:06 p.m.), I was simply standing in the line of inmates waiting to be the next inmate called to get "chow" (the evening meal) when the Unit was raided by force by at least 20 Corrections Officers, who forced everyone on the ground, face down under threat of physical force, tear gas, and other types of force, while screaming at the top of their lungs. It was a scene out of a Penn(USP), but was occurring here at MDC. So, my right shoulder was hurt and remains hurt from this, I had an asthma attack as a result, and I had to be picked up off of the floor by the Captain because I could not get up off of the concrete floor on my own. My body was convulsing, involuntarily. I then remained standing (after being strip searched) (and after being made fun of for the body hair

on me - since there are no sanitary body grooming tools here), for hours in another unit, before returning to my cell (which had been ransacked - and many of the little legal materials I still have had been destroyed, tossed out of the cell for all inmates to read - even documents subject to Your Honor's Protective Order, or discarded), and being locked in for 3 days with NO WORKING PANIC BUTTON, WITHOUT A REPLACEMENT ALBUTEROL INHALER (to replace the one that the raid crew ~~took~~^{of my cell} out). I was not fed for 22 Hours, despite me needing food to take my other medications. When I was allowed out of the cell this afternoon, I first called my mother. My mother and a new aide named Mary told me that the heat in Mom's house was not working for the past 3 days, that my mother's debit card (replacement for the one stolen) had still not arrived, and that my mother had no food. Mary asked when I was coming home? I responded by reading some of the things that the Government wrote from the Trulines version that I was able to print late today. My mother and Mary were shocked and appalled. Mary wanted to give me a statement, but I have no way of taking a statement from her or my mother. I tried to get Steven Haffner, Esq., to take the statement; when I called him, he

said he was away on vacation. I tried calling others, but nobody answered. I called Mary and Mom back. Mary said that she could not find the medical history memo that I created and have mailed several copies of to the home for my mother. A new aide needs this information absent me being there. Mary told me that my mom will not survive much longer without me. Mary said no home health aide is allowed or qualified to care for mom like I (me) can. She can not give my mom medication (administer it), take mom's vitals, etc. Mary and Mom then told me that people keep trying to come inside the house because of the imitating of foreclosure proceedings (prospective bidders at auction). Mary told me that my mom is not feeling well and that she needs me home now. Mary said she was calling Your Honor with Mom, because the Government is wrong in what they are saying about Mom. Mary also said that my sister can not help, doesn't answer and has a family of her own to care for in Maryland.

Accordingly, Your Honor, it is again respectfully requested that I be allowed to file a Reply. Should the Court require any further information or have any questions, I may be reached via Special Mail at the above listed address. Thank you.

Respectfully Submitted,
Brandon Lisa
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Defendant Pro Se

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NY PRO SE OFFICE
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28 CFR Sec. 840.19
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